

TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 118, strike line 9 and all that follows through page 120, line 7, and insert the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Fund for fiscal year 2023 through fiscal year 2031 such sums as are necessary, pursuant to the limitation in paragraph (2), to increase funding, over the fiscal year 2021 level, for investment in—

“(A) the delivery of veterans’ health care associated with exposure to environmental hazards in the active military, naval, air, or space service in programs administered by the Under Secretary for Health;

“(B) any expenses incident to the delivery of veterans’ health care and benefits associated with exposure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals, and excluding leases as authorized or approved under section 8104 of this title; and

“(C) medical and other research relating to exposure to environmental hazards.

“(2) LIMITATION.—For the period of fiscal years 2023 through 2031, amounts authorized to be appropriated to the Fund may not exceed a cumulative total of \$116,800,000,000.

“(d) BUDGET SCOREKEEPING.—(1) Immediately upon enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, expenses authorized to be appropriated to the Fund in subsection (c) shall be estimated for fiscal year 2023 through fiscal year 2031 and treated as budget authority that is considered to be direct spending—

“(A) in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907);

“(B) by the Chairman of the Committee on the Budget of the Senate and the Chair of the Committee on the Budget of the House of Representatives, as appropriate, for purposes of budget enforcement in the Senate and the House of Representatives;

“(C) under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), including in the reports required by section 308(b) of such Act (2 U.S.C. 639); and

“(D) for purposes of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.).

“(2)(A) Except as provided in subparagraph (B), amounts appropriated to the Fund for fiscal years 2023 through 2031 pursuant to this section shall be counted as direct spending under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) and any other Act.

“(B) Any amounts appropriated to the Fund in excess of the amount specified under subsection (c)(2) shall be scored as discretionary budget authority and outlays for any estimate of an appropriations Act.”.

SA 5079. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 118, strike line 9 and all that follows through page 119, line 2, and insert the following:

“(a) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Fund for fiscal year 2023 through fiscal year 2031 such sums as are necessary, pursuant to the limitation in paragraph (2), to increase funding, over the fiscal year 2021 level, for investment in—

“(A) the delivery of veterans’ health care associated with exposure to environmental hazards in the active military, naval, air, or space service in programs administered by the Under Secretary for Health;

“(B) any expenses incident to the delivery of veterans’ health care and benefits associated with exposure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals, and excluding leases as authorized or approved under section 8104 of this title; and

“(C) medical and other research relating to exposure to environmental hazards.

“(2) LIMITATION.—For the period of fiscal years 2023 through 2031, amounts authorized to be appropriated to the Fund may not exceed a cumulative total of \$116,800,000,000.”.

On page 119, line 8, strike “and each subsequent fiscal year” and insert “through fiscal year 2031”.

On page 120, strike lines 1 through 7 and insert the following:

“(2)(A) Except as provided in subparagraph (B), amounts appropriated to the Fund for fiscal years 2023 through 2031 pursuant to this section shall be counted as direct spending under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) and any other Act.

“(B) Any amounts appropriated to the Fund in excess of the amount specified under subsection (c)(2) shall be scored as discretionary budget authority and outlays for any estimate of an appropriations Act.”.

SA 5080. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL REPORT AND RECISSIONS.

(a) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary of Veterans Affairs shall submit to Congress and transmit to the Secretary of the Treasury a report detailing the amounts, denoted in dollars, expended by the Department of Veterans Affairs in that fiscal year to carry out this Act and the amendments made by this Act.

(b) ANNUAL RECISSIONS.—At the beginning of each fiscal year, beginning with the first fiscal year beginning after the date of the enactment of this Act, the Secretary of the Treasury shall rescind, from such accounts of the Treasury as the Secretary considers appropriate, amounts that were appropriated to such accounts more than five years previously and remain unobligated. The total amount rescinded under this subsection in a fiscal year shall be equal to the total amount last reported by the Secretary under subsection (a).

SA 5081. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed

to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 809. NATIONAL SECURITY STRATEGY SAVINGS PLAN REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan to save \$280,000,000,000 relative to the National Security Strategy.

SA 5082. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE X—OTHER MATTERS

SEC. 1001. CERTIFICATION AND REPORT ON TOXIC EXPOSURES EXPERIENCED BY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall establish a complaint system through which a member of the Armed Forces may report any toxic exposure of such member in connection with service in the Armed Forces.

(b) TOXIC EXPOSURE DEFINED.—In this section, the term “toxic exposure” has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

SA 5083. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE X—OTHER MATTERS

SEC. 1001. SYSTEM TO RECEIVE REPORTS ON TOXIC EXPOSURES EXPERIENCED BY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall establish a system through which a member of the Armed Forces may report any suspected incident of toxic exposure experienced by such member in connection with service in the Armed Forces.

(b) TOXIC EXPOSURE DEFINED.—In this section, the term “toxic exposure” has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

SA 5084. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, between lines 12 and 13, insert the following:

(c) PLAN FOR USE OF FUNDS.—The Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed plan for obligating and expending amounts from

the Cost of War Toxic Exposures Fund, including a detailed justification for each type of obligation of such amounts.

(d) INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS AUDITS AND REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Inspector General of the Department of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report examining the obligations and expenditures made using amounts from the Cost of War Toxic Exposures Fund during the period covered by the report.

(2) CONTENTS.—Each report under paragraph (1) shall include the following:

(A) A comparison of how the amounts from the Cost of War Toxic Exposures Fund are being obligated and expended to how the amounts were planned to be obligated and expended in the plan under subsection (c).

(B) Identification of waste, fraud, and abuse, if any.

(C) Such other matters as the Inspector General determines relevant.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEWS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives an interim report containing a review of obligations and expenditures made using covered funds.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) A review of the process of the Department of Veterans Affairs for preparing the request for amounts from the Cost of War Toxic Exposures Fund.

(ii) An explanation of how the expenditure of such amounts met the goals of the Department.

(2) FINAL REPORT.—Not later than September 30, 2024, the Comptroller General shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a final report on the matters specified under paragraph (1).

SA 5085. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. OFFSET THROUGH TEMPORARY REDUCTION IN FOREIGN ASSISTANCE PROGRAMS.

During the 10-year period beginning on October 1, 2022, no Federal funds may be expended by the United States Agency for International Development other than funds that have been appropriated for Israel.

SA 5086. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 25, strike “gender,”.

SA 5087. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “1 day” and insert “2 days”.

SA 5088. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “3 days” and insert “4 days”.

SA 5089. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. ____. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

SA 5090. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “5” and insert “6”.

SA 5091. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “6 days” and insert “7 days”.

SA 5092. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. ____. EFFECTIVE DATE.

This Act shall take effect on the date that is 8 days after the date of enactment of this Act.

SA 5093. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “8 days” and insert “9 days”.

SA 5094. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 5051 proposed by Mr. TESTER (for himself and Mr. MORAN) to

the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 114, strike line 3 and all that follows through page 117, line 21, and insert the following:

SEC. 804. CAMP LEJEUNE, NORTH CAROLINA, CONTAMINATED WATER EXPOSURE COMPENSATION.

(a) IN GENERAL.—An individual, including a veteran (as defined in section 101 of title 38, United States Code), who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States, or the legal representative of such an individual, may file a claim for compensation with the Attorney General to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.

(b) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) ESTABLISHMENT OF FILING PROCEDURES.—

(A) PROCEDURES.—The Attorney General shall establish procedures for submission of claims under subsection (a) for compensation under this section.

(B) BURDEN OF PROOF.—The burden of proof shall be on the party submitting a claim under subsection (a) to show it is more likely than not that the water at Camp Lejeune caused the claimed harm.

(2) DETERMINATION OF CLAIMS.—

(A) IN GENERAL.—(i) The Attorney General shall, in accordance with this section, determine whether each claim filed under subsection (a) meets the requirements of this section.

(ii) All reasonable doubt with regard to whether a claim meets the requirements of this section shall be resolved in favor of the claimant.

(B) CONSULTATION.—The Attorney General shall, in consultation with the Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Veterans Affairs, establish guidelines for determining what documentation is necessary to establish a basis for eligibility for compensation for an injury or condition based on exposure to water at Camp Lejeune.

(C) PAYMENT OF CLAIMS.—

(i) IN GENERAL.—The Attorney General shall pay, from amounts available in the Camp Lejeune Fund, claims filed under subsection (a) that the Attorney General determines meet the requirements of this section.

(ii) HEALTH AND DISABILITY BENEFITS RELATING TO WATER EXPOSURE.—The Attorney General may offset from any compensation awarded to an individual under this section by the amount of any disability compensation, payment, or benefit provided to the individual—

(I) under—

(aa) any program under the laws administered by the Secretary of Veterans Affairs;

(bb) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

(cc) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(II) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.

(iii) VETERANS AND LABOR OFFSETS.—The Secretary of Veterans Affairs and the Secretary of Labor may each offset from any award made to an individual under a provision of law administered by the respective